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Attorneys for Defendants
FACEBOOK, INC. and
MARK ZUCKERBERG

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CHILDREN'S HEALTH DEFENSE,

Plaintiff,

V.

FACEBOOK, INC., ET AL.,

Defendants.

Case No. 3:20-cv-05787-SI

DEFENDANTS FACEBOOK INC.'S AND MARK ZUCKERBERG'S STATEMENT OF RECENT DECISION

Hon. Susan Illston

1 Pursuant to Civil Local Rule 7-3(d)(2), Defendants Facebook, Inc. and Mark Zuckerberg
2 respectfully submit this Statement of Recent Decision to bring to this Court's attention the decision
3 of Magistrate Judge Virginia K. DeMarchi of the Northern District of California in *Daniels v.*
4 *Alphabet Inc.*, No. 5:20-cv-04687, 2021 WL 1222166, at *3 (N.D. Cal., Mar. 31, 2021). A true and
5 correct copy of that decision is attached hereto as Exhibit A. The decision was filed on March 31,
6 2021 after briefing was completed on the Facebook Defendants' Motion to Dismiss the Second
7 Amended Complaint and on Plaintiff's Motion to Supplement its Second Amended Complaint in
8 the above-captioned case. The decision is therefore appropriate for consideration by the Court. *See*
9 Civil L.R. 7-3(d)(2) ("Before the noticed hearing date, counsel may bring to the Court's attention a
10 relevant judicial opinion published after the date the opposition or reply was filed by filing and
11 serving a Statement of Recent Decision, containing a citation to and providing a copy of the new
12 opinion—without argument."). The *Daniels* decision is relevant to the Facebook Defendants'
13 argument that they cannot be considered government actors for purposes of Plaintiff's *Bivens* claim.
14 *See* 2021 WL 1222166, at *5-7.

15
16 Dated: April 6, 2021

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17 By: */s/ Sonal N. Mehta*
18 SONAL N. MEHTA

19 Attorney for Defendants
Facebook, Inc. and Mark Zuckerberg
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CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2021, I electronically filed the above document with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

Dated: April 6, 2021

By: /s/ Sonal N. Mehta
Sonal N. Mehta